

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Lassen Municipal Utility District

420 Richmond Road
Susanville, California 96130
&
1605 Chestnut Street
Susanville, California 96130

ID No: CAD981412521
South Roop Street site

Respondent

Docket HWCA 20050932

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Lassen Municipal Utility District (Respondent) whose address is 65 South Roop Street, Susanville, California.

1.2. Site. Respondent stored a 1,000-gallon tanker of transformer oil containing polychlorinated biphenyls (PCBs) at a remote substation site located at 420 Richmond Road in Susanville, California. The hazardous waste was generated at the Respondent's yard located at 1605 Chestnut Street in Susanville, California.

1.3. Generator. The Respondent generated the following hazardous waste: transformer oil containing PCBs from decommissioning activities.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the

Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.5. Exhibits. All exhibits attached to this Order are incorporated herein by this reference.

1.6. Applicable Statutes and Regulations. Copies of the statutes and regulations applicable to this Order are attached as Exhibit (1).

DETERMINATION OF VIOLATIONS

2.1 The Department has determined that:

2.1.1. On or about October 18, 2004, Respondent violated California Health and Safety Code section 25201, subdivision (a) and California Code of Regulations, title 22, section 66270.1, subdivision (a) (1) in that on or about October 18, 2004, Respondent accepted a 1,000-gallon tanker of hazardous waste/used oil, containing PCBs at a site (Richmond Road) that is not permitted to accept hazardous waste generated offsite.

2.1.2 On or about October 18, 2004, Respondent violated California Health and Safety Code section 25160, subdivision (b) (1) and California Code of Regulations, title 22, section 66262.20, subdivision (a) in that on or about October 18, 2004, Respondent offered for transport a 1,000-gallon tanker of hazardous waste/used oil, containing PCBs without the use of a hazardous waste manifest. On October 18, 2004, a tanker of hazardous waste/used oil, containing PCBs was driven from the Respondent's location at Chestnut Avenue to their Richmond Road location by Paul Thomas Envirotrans without a manifest.

2.1.3 On or about November 8, 2004, Respondent violated California Code of Regulations, title 22, section 66262.12, subdivision (a) in that the Respondent stored

hazardous waste for offsite disposal without an Environmental Protection Agency (EPA) Identification Number. Respondent had been storing the 1,000-gallon tanker of hazardous waste/used oil, containing PCBs at another of its facilities. Subsequent waste analysis by a certified laboratory revealed that the used oil is hazardous due to the concentration of PCBs in the waste.

2.1.4 On or about November 8, 2004, Respondent violated California Health and Safety Code 25189, subdivision (a) in that the Respondent failed to accurately complete a hazardous waste manifest for offsite disposal of hazardous waste/used oil, containing PCBs with an incorrect EPA Identification Number. The Respondent negligently completed the hazardous waste manifest for transport using the incorrect EPA Identification Number from another of its facilities.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1. On February 8, 2005, Respondent submitted documentation to the Department showing that the violations described in paragraphs 2.1.1, 2.1.2, 2.1.3 and 2.1.4 have been adequately corrected or addressed. Therefore, no further actions are required on the part of the Respondent with respect to these violations.

3.2. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Privileges. Nothing in this Consent Agreement shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product. However, the assertion of any privilege shall not relieve any party of its obligations under this Consent Order.

4.5. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$9,000. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case.

Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Mr. Charles A. McLaughlin, Branch Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance November 7, 2005

Original signed by Sangat Kals
Sangat Kals, Ph.D., Section Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control